UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,155	11/12/2003	Erol Bozak	09700.0034-00	8251

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EXAMINER
FORD, GRANT M

ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 10/712,155	Applicant(s) BOZAK ET AL.
	Examiner Grant Ford	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *3-12-04, 4-23-04, 6-14-05*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim 4 is objected to because of the following informalities: the preamble of

dependent claim 4 recites a method whereas independent claim 3, from which claim 4

depends, recites a system. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Naik et

al. (US 2006/0294238), hereinafter referred to as Naik.

        a.   As per claim 1, Naik discloses a method comprising:

                in a client server network, maintaining systems having grid managers

having hierarchical relations, the relations of each grid manager stored in each of the

systems (Figure 1, Para. 0048-0052).

b.   As per claim 2, Naik discloses wherein each of the relations are classified as superior or inferior (Para. 0048-0052).

c.   As per claim 3, Naik discloses a system comprising:

a network of computer systems, each of the computer systems including a grid management engine, each of the grid managers having hierarchical relations with other grid managers, the relations of each grid manager stored in each of the systems (Figure 1, Para. 0048-0052).

d.   As per claim 4, Naik discloses wherein each of the relations are classified as superior or inferior (Para. 0048-0052).

e.   As per claim 5, Naik discloses a method comprising:

in a network, starting an execution of a first service on a first computer, the first service handling at least locating, reserving, allocating, monitoring, and deallocating one or more computational resources for one or more applications using the network (Para. 0048-0052, 0067-0072);

reading, by the first service, a file to inform the first service of a relation with a second service, wherein the first service has a inferior relation with the second service, the inferior relation meaning that the second service can send a query for available computer resources to the first service (Para. 0062-0066, 0071-0072);

establishing a first communication channel from the first service to the second service (Para. 0049, 0071); and

accepting an opening of a second communication channel from the second service to the first service (Para. 0049, 0071).

f.   As per claim 6, Naik discloses receiving a message to cancel the first

service's inferior relation with the second service, closing the first and second

communication channels, receiving a message to generate a inferior relation from the

first service to a third service residing in a third computer, establishing a third

communication channel from the second service to the third service, and accepting an

opening of a fourth communication channel from the third service to the first service

(Para. 0065-0072).

g.   As per claim 7, Naik discloses wherein establishing a first communication

channel further comprises determining if the second service responds to determining

and if not, establishing a communication channel to the second service after a

predetermined time period (Para. 0071-0072).

h.   As per claim 8, Naik discloses a method comprising:

in a network, starting an execution of a first service residing in a first

computer, the first service handling at least locating, allocating, monitoring, and

deallocating one or more computational resources for one or more applications using

the network (Para. 0048-0052, 0067-0072);

starting an execution of a second service residing in a second computer,

reading, by the second service, a file to inform the second service of a relation with the

first service, wherein the second service has a inferior relation with the first service,

wherein the inferior relation indicates that the first service can send a query for available

computer resources to the second service (Para. 0062-0066, 0071-0072);

establishing a first communication channel from the second service to the first service; and establishing a second communication channel from the first service to the second service (Para. 0049, 0071).

i.   As per claim 9, Naik discloses receiving, by the second service, a message to cancel the second service's relation with the first service; closing the first communication channel; failing to respond to the second communication channel; receiving a message to create a inferior relation from the second service to a third service; establishing a third communication channel from the second service to the third service; and establishing a fourth communication channel from the second service to the third service (Para. 0065-0072).

j.   As per claim 10, Naik discloses a system comprising:

two or more computers each configured to run a service, the service handling at least locating, allocating, monitoring, and deallocating one or more computational resources for one or more applications (Para. 0048-0052);

a network of the services, the network configured such that a first service from the services has a superior relation with a second service from the services and the second service has an inferior relation with the first service, wherein the first service is configured to check the status of the second service in the network by waiting for a response to a query from the first service to the second service (Para. 0065-0072).

k.   As per claim 11, Naik discloses wherein the relation comprises a first communication channel from the first service to the second service and a second communication channel from the second service to the first service (Para. 0049, 0071).

l.   As per claim 12, Naik discloses wherein the first service is further

configured to locate the one or more computational resources for the one or more

applications by sending a query for available computational resources to the second

service (Para. 0048-0052, 0071).

m.   As per claim 13, Naik discloses wherein the second service is further

configured to remove its inferior relation with the first service and create a new superior

relation with a third service (Para. 0072).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Grant Ford whose telephone number is (571)272-8630.

The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gmf

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER